



**Approved**

**SCOTTSDALE CITY COUNCIL  
JOINT TASK FORCE ON THE ARTS  
PUBLIC MEETING**

**FRIDAY, APRIL 14, 2006**

**SCOTTSDALE CULTURAL COUNCIL ANNEX CONFERENCE ROOM  
MERCADO VERDE BUILDING, 7373 E. SCOTTSDALE MALL, SUITE 18  
SCOTTSDALE, AZ 85251**

**PRESENT:** Wayne Ecton, Councilman  
Betty Drake, Councilmember  
Ron McCullagh, Councilman  
Louise Roman, Scottsdale Cultural Council Board  
Dick Hayslip, Scottsdale Cultural Council Board  
Gail Bradley, Scottsdale Cultural Council Board (arrived at 11:43 a.m.)  
Valerie Vadala Homer, Director, Public Art Program

**STAFF:** Frank Jacobson, Scottsdale Cultural Council  
Michelle Korf, City of Scottsdale  
Donna Bronski, City of Scottsdale

**OTHERS PRESENT:**  
Brian, ASU Student

**CALL TO ORDER/ROLL CALL**

Co-Chairman Hayslip called the meeting to order at 11: 36 am. A formal roll call confirmed the presence of Members as stated above.

Ms. Korf announced the presence of a guest. Brian is a student, currently studying public administration at ASU.

**GENERAL BUSINESS**

**1. APROVAL OF MINUTES**

Mr. Jacobson presented the following amendments for consideration:

Change "Art Space Properties" to "Art Space Projects" on page 8.

Mr. Jacobson noted a necessary clarification on page 9, beginning with the sentence: "Mr. Jacobson suggested bringing Art Space Projects..." Discussion clarifying the facts of the prior discussion ensued. Councilman Ecton requested that the paragraph be amended as follows:

"Councilman Ecton noted that he has also worked with the Sonoran Desert Center for the Arts, who wanted 25 acres. He connected them with the Rawhide ownership, but that fell through because the developer wanted a million dollars an acre."

**COUNCILWOMAN DRAKE MOVED TO APPROVE THE MINUTES AS AMENDED. COUNCILMAN MCCULLAGH SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF SIX (6) TO ZERO (0).**

Co-Chairman Hayslip requested that future minutes be less detailed, but capture the essence of discussions.

## **2. APPROVAL OF MISSION**

Brief discussion ensued, whereupon Ms. Roman expressed concern regarding the last sentence of the Mission Statement. Councilwoman Drake expressed favor for the statements as articulated in the document, noting that the proposed Mission Statement gives Task Force Members the flexibility to discuss issues related to the distribution of cultural facilities across the City, as well as other issues that may not necessarily relate to the Public Art Ordinance or to the Master Agreement.

In response to a request for clarification by Ms. Bradley, Councilman McCullagh affirmed that the Task Force will address ordinances prior to addressing the Master Agreement.

**COUNCILMAN MCCULLAGH MOVED TO APPROVE THE MISSION STATEMENT AS WRITTEN. SECONDED BY COUNCILMAN ECTON, THE MOTION CARRIED BY A UNANIMOUS VOTE OF SEVEN (7) TO ZERO (0).**

## **3. RESULTS OF BENCHMARKING RESEARCH**

Ms. Valerie Homer gave a PowerPoint presentation entitled: *Place Making with Art*. Highlights of the presentation included an overview of the program mission, including a brief history and outline of the current program. The presentation also included an overview of the Strategic Master Plan, highlighted future commissions; public outreach and education; financial stability including current funding sources; governing ordinances, the AIPD (Art in Private Development) ordinance revision; benchmarking; and various "Art as Destination" model programs. Key programs and destinations highlighted in the presentation included Portlandia in Portland, Mel Chin in Houston, the Chihuly Bridge of Glass in Tacoma and Harries Heder Arizona Falls.

Councilman Ecton reported having visited the Chihuly Bridge of Glass in Tacoma and found it to be spectacular. The bridge stretches across an interstate highway. A glass museum exists at one end of the bridge. Councilman Ecton opined that a smaller, but similar installation across the canal in Scottsdale, combined with the additional bridges that are being discussed, would be a spectacular option.

Co-Chairman Hayslip briefly shared details regarding the collaborative efforts involved in the Arizona Falls project.

Concluding the presentation, Ms. Homer outlined the anticipated accomplishments of the Ordinance revision and noted that Donald Lipski, Tom Otterness, Claes Oldenburg, Fernando Botero, Robert Irwin, Ned Kahn, and Janet Echelman are among the artists being considered to help make art spaces in Scottsdale. The list of noted artists was comprised as a result of input from the Scottsdale Public Art Board and the public. Consideration is being given to commissioning a signature work by Janet Echelman for an as-yet determined location. Photographs of Ms. Echelman's floating nets were included in the presentation.

Recalling the outcome of the audit, Mr. Jacobson identified the need for clarification in the Ordinance for the use of funds for administrative salaries, in order to avoid a conflict between the contract and the Ordinance. Ms. Homer acknowledged that the issue must be addressed in the recommendations ultimately made by the Task Force and noted that specific details of the audit will be presented at a subsequent meeting.

Noting the maintenance issues in Santa Monica mentioned in the presentation, Co-Chairman Hayslip asked whether other cities are doing a better job of art maintenance and conservation. Ms. Homer explained that this is a challenge for many cities. Most establish a long-term endowment. Others raise funds in the community. Most cities have interpreted their ordinances to say that CIP cannot be used for conservation and restoration. This creates a very common problem of artwork deterioration. Scottsdale's use of CIP funds is an issue that must be clarified in the Ordinance.

Ms. Bronski inquired regarding the feasibility of reserving a percentage of funds upfront on commissioned artwork that would be placed in a fund for future restoration and maintenance. Ms. Homer acknowledged that such is a trend being seen and also noted the recent adoption of citizen-initiated guidelines. In the event that someone presents artwork to the City, the new guidelines require that they dedicate a portion of funds to take care of the artwork.

Councilwoman Drake opined that it is very important that the artist be involved in maintenance and restoration and asked whether there is a formula used to determine the amount of funds that should be dedicated over the life of the artwork. Ms. Homer acknowledged that the goal is to consult with the artist on any element that involves conservation and restoration of artwork. The formula determination is currently a work in progress.

Upon inquiry by Ms. Roman, Councilwoman Drake concurred that the conservation and restoration funds should be allocated at the onset of the project. Councilwoman Drake has reviewed many contracts that have an entire section devoted to conservation and restoration, which sets forth the artist's responsibility and on-going involvement in maintenance.

Co-Chairman Hayslip requested that Ms. Homer obtain the language contained in the City of Richmond's ordinance regarding the one-half percent set aside for maintenance. He also suggested obtaining other useful, appropriate and effective maintenance or administration language currently utilized by other cities.

Mr. Jacobson questioned how the long-term maintenance needs are determined for public art and how the figures are rectified in the budgets. Ms. Homer explained prior attempts to assess and determine a specific formula, which proved to be inadequate. The current process involves a forecast report that includes cost determinations within a projected five-year period; however, the process is difficult because public art is largely an experiment, and despite material tests and studies, often times the conservation costs become greater than anticipated or contain unpredictable elements. Ms. Homer also noted that consideration is currently being given to the possibility that public art has a certain specific lifespan.

Ms. Bronski recommended that an initial assessment of the maintenance and perhaps the projected life of the artwork be included in the contract in order to set some parameters. Ms. Homer noted that the maintenance assessment portion is currently being done on new contracts. She also acknowledged the complexity involved in performing maintenance assessments and explained that the elements involved in maintenance assessments are being considered in a more sophisticated manner.

Ms. Bradley identified the need to be very flexible in assessing artwork. Works that incorporate water or moving parts are always more expensive. Estimating the lifespan of a work could be problematic because over time, some pieces become very valuable.

Co-Chairman Hayslip suggested that this topic continues to be explored along with the understanding of the fundamental financial impacts of maintaining artwork. Ms. Homer stated that the current year's conservation budget is approximately \$140,000. Next year's budget is \$156,200.

Councilwoman Drake requested a summary outlining how cities deal with conservation, maintenance, funding and the lifespan issues. Recalling the Galleria Fountain, she identified the question of what happens if the project changes owners and the new owners want to do something different. Ms. Bronski suggested the possibility of implementing art easements.

Ms. Bradley suggested that current Scottsdale practices be outlined along with the best practices of other cities in order to determine the current status and identify what other practices can be incorporated into the process in the future. Councilwoman Drake requested a comparison summary related to temporary art as well.

Councilman Ecton opined that Scottsdale does a better job of maintaining public art than some other cities. He suggested that when the City enters into a contract for a work of art from an artist, one option would be to require the artist to service the art at a specific set fee, rather than paying a fee in advance.

In response to a request by Ms. Bronski, Councilwoman Drake volunteered to compile and share helpful language contained in contracts that she has reviewed.

Co-Chairman Hayslip asked if there will be a session on contracts at the Public Arts Conference. Mr. Jacobson reported that the conference will take place in June in Milwaukee and volunteered to provide Task Force Members with information. Councilwoman Drake and Ms. Bradley expressed interest in the possibility of attending the conference.

**4. DISCUSSION OF POLICY ISSUES RELATED TO THE PERCENT FOR ART ORDINANCE**

Ms. Korf directed the meeting to a document contained in the packet, which reflects her attempt to identify key policy questions. She requested feedback from Task Force Members regarding the specific details that should be reflected in the Ordinance. Staff will compile this feedback, which will serve as the framework for the new Ordinance.

Referring to the second page of the document, Co-Chairman Hayslip inquired about the source of funding for public art as well as the decision-making process. Ms. Korf explained that the Ordinance speaks to pulling a percentage of certain funding types that are pooled and put into an account called Art Public Places. Funds for the current year totaled approximately \$1 million. These funds have historically been used to fund the administration of the program, the maintenance and restoration of the artwork, and other aspects of the program.

Policy Issue Report 19 governs the public art that is integrated into projects, such as libraries and streetscapes. The Report identifies that one percent of those projects deemed to be "public buildings" will be set aside for public art. Staff works with the Finance Department to identify those projects.

Ms. Korf also identified a series of projects that are not technically subject to an ordinance, such as the Transportation Department's interest in incorporating art into various projects.

In response to inquiry by Councilman McCullagh regarding the transfer of allocated funds from the City for maintenance purposes, Ms. Korf explained that the Master Agreement between the City and the Cultural Council allows for a transfer of those funds. Ms. Korf is the individual responsible for completing the paperwork required to initiate the transfer of funds.

In response to further inquiry by Councilman McCullagh, Ms. Korf clarified that approximately \$1 million was allocated to the Art and Public Places account this year. Of that \$1 million, about \$700,000 paid for the administration of the Public Art Program, and included approximately \$150,000 for art maintenance and restoration. The Public Art Program budgets the remaining funds for projects such as signature artwork.

Mr. Jacobson and Ms. Homer further explained that the public art program builds a budget each year that includes salaries for staff, educational materials, special initiatives, overhead, and project management. A project and program plan for public art is completed each year, which lists all of the active and planned public art projects, as well as any temporary art initiatives, improvements to the database and special initiatives. Mr. Jacobson explained the current process regarding the transfer of annual funds is defined through the City's contract. Ms. Korf added that as a result of the audit, however, future Public Art Program annual budgets will be presented to City Council.

Noting that the issues related to the audit are crucial to the budgeting issues, Ms. Bradley suggested that Task Force's review of the audit recommendations relatively soon. Councilwoman Drake concurred, noting a conflict between the contract allowance of using pooled funds to pay for administrative expenses and conservation and a criticism reflected in the audit that money was being used for things other than

acquisition of artwork. Addressing the audit will impact many other necessary discussions.

Ms. Roman addressed the complexity involved in attempting to understand the budget process and stressed the importance of transparency with regard to how funds flow from one location to another. Discussion ensued regarding the inconsistent identification of specific funds allocated to art projects. Councilman McCullagh suggested creating a ledger denoting each specific art project and the contributors.

Discussion followed regarding the current one percent funding model, which applies only to selected funding types. In response to questions by Councilman McCullagh, Ms. Korf explained that the current practice is an extension of a long-standing interpretation of the Ordinance. City policy states "the CIP Coordinator will identify those capital projects that are deemed to be public buildings and shall have public art."

Councilman McCullagh asked whether the CIP Coordinator is to identify that "the project shall have public art" or "shall have a one percent contribution to." Co-Chairman Hayslip suggested that the point be clarified for purposes of the Ordinance.

Ms. Korf directed Members to a list contained in the packet which identifies all of the City's funding types and where the funds are drawn upon; based either upon the Ordinance, interpretation of the Ordinance or City Council action.

In response to inquiry by Councilwoman Drake regarding use of general funds, Ms. Korf explained that the art must be on site in the case of bond-funded projects. That is not the case with projects funded by the General Fund. Councilwoman Drake expressed a preference to allow the flexibility of pooling funds and also expansion of both the percentage and the number of funding sources to which the percent contributions apply. Ms. Bronski articulated that the suggestion is a Bond Council issue subject to the technical rules of how bond funds are spent.

Ms. Korf explained that outside counsel has reviewed each of the funding types and have identified those that might be eligible for a percentage formula for public art. Ms. Korf offered that staff could devise a matrix outlining different scenarios depicting the funds that might be produced by pulling one percent and one and a-half percent from each of the available funding categories.

Councilwoman Drake suggested that identifying which of the funding types are legally eligible funding sources and whether there are restrictions associated with those specific funding types is of greater importance at this time. Ms. Korf committed to provide the requested information in the next meeting packet.

As an aside, Ms. Bradley expressed thoughts related to providing ways for citizens to connect with public art. Councilwoman Drake concurred, noting historical interests in community generated art and the importance of building a constituency for the arts. Brief discussion ensued. Councilman Ecton opined that in addition to expanding the funding, consideration should also be given to expanding art throughout the entire City, as opposed to the district that it is currently limited to.

Ms. Korf volunteered to provide Task Force Members with a summary of the ideas relative to a new Ordinance, as identified during the current meeting. The summary of ideas will be reviewed and discussed at the next meeting.

#### **5. AGENDA FOR NEXT MEETING**

Co-Chairman Hayslip identified that follow-up materials as well as an initial review and discussion regarding audit issues will be items on the next meeting agenda.

#### **UPCOMING MEETINGS**

The next meeting is scheduled for April 25th. The following meeting is scheduled for May 9th.

#### **ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 12:57 p.m.

Respectfully submitted,  
A/V Tronics, Inc.